



THE ROCKEFELLER UNIVERSITY

1230 YORK AVENUE · NEW YORK, NEW YORK 10021

OFFICE OF THE PRESIDENT

August 1, 1978

Mr. J. Ralph Shay  
Oregon State University  
Corvallis, Oregon 97331

Dear Mr. Shay:

I have your letter of July 21 commenting on my remarks to Senator Nelson about rights to patents.

I am sure that what I wrote to the Senator is far from the last word of wisdom about how to deal with this problem and may well be short of my own ultimate and considered judgments. I do agree with the Senator that the subject is worthy of some ventilation and feel that you and I are agreed upon the main point: That putting patents into the public domain or into the hands of a politically accountable government bureaucracy frustrates the principle developmental function of the patent system.

I would certainly admit that I had not given much thought to the state and regional aspects of technology transfer that you mentioned in your letter. As you said yourself these are often not reasonably within the patent domain in the first place.

There are also likely to be differences of perspective as between a state institution where the legislature is likely, in any case, to recapture a public interest in university owned property in contrast to private institutions. In view of the developmental functions of such state university activities as the agricultural experiment stations one can see, I would agree, that such institutions have been involved in appropriate technology transfer in a way that involves no great changes in the present system.

Most of your letter seemed to be concerned with questions other than the disposition of large potential income from patents and it is the potential biasing on the academic process from that source that was my own principal concern. I would certainly be the first to want to exclude from any mandatory transfer to the NRDF those intellectual properties which could well be administered by the source institution and which did not involve substantial flows of cash. I did have in mind that NRDF might in fact incorporate the Research Corporation or operate in a similar fashion: I am enclosing a copy

Nelson ↓

Shay  
Page 2  
8-1-78

of my full letter that enlarges on the structure of that proposal in ways that were intended to distinguish it from a government agency but which did not appear in the printed extract.

Sincerely yours,

Joshua Lederberg

JL/gel

Enclosure